IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 9TH FEBRUARY 2007 / 60TH MAGHA 1928

WP(C).No. 4534 of 2007(M)

PETITIONER:

SMT. DEVIKA RANI V.R., TEACHER-IN-CHARGE, KKPM UP SCHOOL, EDANAD P.O., CHATHANNOOR, KOLLAM DISTTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:
----

1. **THE ASSISTANT EDUCATIONAL OFFICER, CHATHANNOOR, KOLLAM DISTRICT.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.**

3. **THE MANAGER, KKPM U.P. SCHOOL, EDANAD P.O., CHATHANNOOR, KOLLAM DISTRICT.**

ADDL.4. THE DEPUTY DIRECTOR OF EDUCATION, KOLLAM.

(ADDL. FOURTH RESPONDENT IS SUO MOTU IMPLEADED AS PER ORDER DATED 9.2.2007.)

BY GOVERNMENT PLEADER (SHRI T.T. MUHAMMED)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 4534 OF 2007 M

Dated this the 9th February, 2007

JUDGMENT

Complaint of petitioner is against Ext.P4. By Ext.P2, the DEO, Kollam found that it is one Smt. G. Jayasree who has a rightful claim for the post of teacher-in-charge. Petitioner is presently continuing as teacher-in-charge. Under Ext.P4, the salary bill of the teachers is returned without payment. According to petitioner, the Manager has preferred Appeal as Ext.P3 before second respondent, DPI. It is also the case of the petitioner that the petitioner has also preferred an appeal. Heard the learned Government Pleader also. It is to be noted that a Second Appeal lies against the order of the DEO only before the Deputy Director of Education. Learned counsel for petitioner submits that the petitioner will file an Appeal before the Deputy Director concerned forthwith. In such circumstances, the Writ Petition stands disposed of as follows:

There will be a direction to the additional fourth

respondent to consider and take a decision on the Appeal to be filed by petitioner against Ext.P2 Order, if it is preferred in time, in accordance with law, within a period of two months from the date of receipt of a copy of this Judgment. In view of the urgency expressed by counsel for petitioner, it is made clear that if the petitioner seeks interim relief against Ext.P2 order, appropriate orders in accordance with law shall be passed within five days from the date of receipt of the application for interim relief.

K. M. JOSEPH, JUDGE

kbk.